

EXHIBIT D



August 25, 2008

Via Hand Delivery

Honorable Frank Maas
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 740
New York, New York 10007-1312

Re: In re Terrorist Attacks on September 11, 2001, 03 MDL 1570 (GBD)(FM)

Dear Judge Maas:

In further support of the August 15, 2008 requests of the various Plaintiffs in the above-referenced litigation for additional discovery regarding NCB pursuant to the Court's Order of July 11, 2008 (Docket Entry 2106), we respectfully submit this request for Your Honor to consider *ex parte* and *in camera* the accompanying documents that provide ample support for why the requested additional discovery is proper and essential.

Based on the sensitive nature of the documents, including the possibility that the documents could bear information that is in some manner classified or otherwise inappropriate for dissemination either to the public or to potential targets of governmental investigations, we are requesting that the Court accept them under seal and examine them *ex parte* and *in camera*. See *Weberman v. National Security Agency*, 668 F.2d 676, 677-78 (2nd Cir. 1982).

We note that this manner of providing you with access to these documents is consistent with the manner in which Your Honor directed NCB to produce the Arthur Anderson audit that Your Honor examined *ex parte* and *in camera* at NCB's request. However, if after examining the documents and absent instruction from the government to the contrary, plaintiffs are willing to produce the documents in any manner the Court so directs.

Respectfully Submitted,

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